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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,688	11/09/2001	Masahiko Komatsubara	Q66733	5789

7590 01/02/2003

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,688

Applicant(s)

KOMATSUBARA ET AL.

Examiner

Bradley J Van Pelt

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Armand (FR 2 736 884).

Re: claim 1, Armand discloses a control lever (10) for a parking brake, comprising: a control lever for the parking brake, which is mounted to an interior equipment (17) of a vehicle for moving between an operating position in which it operates the parking brake, and a releasing position in which it releases the operation of the parking brake; a recess (16A) that accommodates the control lever when the control lever occupies the releasing position; and a releasing knob (21), operative for returning the control lever from the operating position to the releasing position, the releasing knob being disposed on a peripheral surface of a grip of the control lever, the peripheral surface corresponding to an opened face of the recess.

Re: claim 5, Armand discloses the control lever further comprising a protrusion formed on a head of the grip, the protrusion projecting toward a bottom surface of the recess, the protrusion (finger grooves on handle) defining a limit of grasping of the head of the grip by a driver.

Re: claim 9, Armand discloses that the releasing position is substantially vertical (see Fig. 2).

Re: claim 11, Armand discloses the control lever is disposed in a driver-facing front dash of a vehicle.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armand (FR 2 736 884) in view of Decrouppe et al. (USPN 5,685,789).

Re: claim 2, Armand discloses the claimed invention a control lever (10) for a parking brake, comprising: a control lever for the parking brake, which is mounted to an interior equipment (17) of a vehicle for moving between an operating position in which it operates the parking brake, and a releasing position in which it releases the operation of the parking brake; a recess (16A) that accommodates the control lever when the control lever occupies the releasing position; and a releasing knob (21), operative for returning the control lever from the operating position to the releasing position, except, the releasing knob being disposed on a peripheral surface of a grip of the control lever, the peripheral surface facing a bottom surface of the recess.

Decrouppe et al. shows a releasing knob being disposed on a peripheral surface of a grip of a control lever.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Armand to place the release knob on a peripheral surface for the purpose of ergonomic placement for the driver.

Re: claim 6, Armand discloses the control lever further comprising a protrusion formed on a head of the grip, the protrusion projecting toward a bottom surface of the recess, the protrusion (finger grooves on handle) defining a limit of grasping of the head of the grip by a driver.

Re: claim 10, Armand discloses that the releasing position is substantially vertical (see Fig. 2).

Re: claim 12, Armand discloses the control lever is disposed in a driver-facing front dash of a vehicle.

5. Claims 3, 4, 7, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armand (FR 2 736 884) in view of Decrouppe et al. (USPN 5,685,789) as applied to claims 1 and 2 above, and further in view of Larabet et al. (USPN 6,234,041).

Re: claims 3 and 4, the above reference combination shows the claimed invention except positioning means disposed between an inner wall of the recess and a head of the grip.

Labret et al. shows positioning means disposed between an inner wall (30b) of the recess and a head (38f) of the grip (see Figs. 4 and 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above reference combination to provide a resilient positioning means for the purpose of cushioning the head in the slot.

Re: claim 7 and 8, Armand discloses the control lever further comprising a protrusion (finger grooves on handle) formed on a head of the grip, the protrusion projecting toward a bottom surface of the recess, the protrusion defining a limit of grasping of the head of the grip by a driver.

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Re: claim 11, Armand discloses that the releasing position is substantially vertical (see Fig. 2).

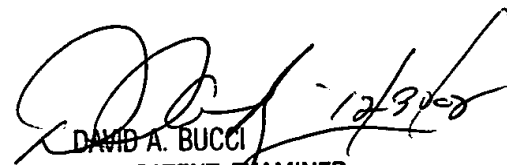
*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mar (USPN 4,169,312), Sykes (USPN 6,282,980), Opel (DE 37 27 625), and Toyoda et al. (EU 0 520 401) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is (703)305-8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703)308-3668. The fax phone numbers for the organization where this application or proceeding is assigned is (703)305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2168.

BJVP   
December 27, 2002

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
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